

**NOT FOR PUBLICATION**

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

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MICHAEL ZIMET,

Plaintiff,

v.

MICRODERMIS CORPORATION,

Defendant.

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Civil Action No. 13-2938 (MAS)

**MEMORANDUM ORDER**

**SHIPP, District Judge**

On August 6, 2013, this Court issued an Order transferring the captioned proceeding to the Northern District of Texas pursuant to 28 U.S.C. § 1404(a). (Order, ECF No. 19.) Plaintiff Michael Zimet now moves for reconsideration of that Order. (Pl.'s Mot., ECF No. 20.) Defendant Microdermis Corporation filed opposition. (Def.'s Opp'n, ECF No. 26.) The Court resolves Zimet's motion without oral argument pursuant to Local Civil Rule 78.1.

This Court lacks jurisdiction to reconsider the August 6, 2013 Order. "The rule is well-established that a transferor court loses jurisdiction to reconsider its order for transfer once the records in the transferred action are physically transferred to and received by the transferee court." *Database Am. Inc. v. Bellsouth Adver. & Publ'g Corp.*, 825 F. Supp. 1216, 1221 (D.N.J. 1993); *see Tuoni v. Elec. Evidence Discovery Inc.*, No. 10-2235, 2011 WL 540392, at \*2 (D.N.J. Feb. 8, 2011) (holding that court lacked jurisdiction to reconsider § 1404(a) transfer order because case had already been docketed in transferee jurisdiction when reconsideration motion was filed); *Emblaze Ltd. v. Apple Inc.*, No 10-5713, 2011 WL 2419802, at \*1 (S.D.N.Y. June 3, 2011) (same); *Huff v. CSX Transp., Inc.*, 461 F. Supp. 2d 853, 854-55 (S.D. Ill. 2006) (same). An

entry on the docket in this case indicates that the case was “transferred from New Jersey” and “opened in [the] Northern District of Texas” on August 7, 2013. Plaintiff filed the instant motion for reconsideration thirteen days later, on August 20. By that time, the court in Texas had assumed jurisdiction of this matter, and this Court had no authority to reconsider its prior determination. Accordingly,

IT IS on this 14<sup>th</sup> day of March, 2014, hereby **ORDERED** that Plaintiff’s motion for reconsideration of the Court’s August 6, 2013 Order is **DENIED**.

  
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MICHAEL A. SHIPP  
UNITED STATES DISTRICT JUDGE